

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

VINCENT GENE SMITH, §
§
VS. § CIVIL ACTION NO.4:08-CV-012-Y
§
NATHANIEL QUARTERMAN, §
Director, T.D.C.J. §
Correctional Institutions Div., §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Vincent Gene Smith under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 20, 2009; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on February 10, 2009.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be denied, for the reasons stated in the magistrate judge's findings and conclusions, and for the reasons stated in the respondent's answer at sections III-V, pages 16-38.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Vincent Gene Smith's petition for writ of habeas corpus is DENIED.

SIGNED February 26, 2009.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE